



Foreign Citizen Spouse: Lawful Permanent Resident



How do I Bring My Foreign Citizen Spouse to the United States?

In order for a Lawful Permanent Resident (LPR) ("green card" resident) to bring his/her foreign-born spouse to the United States, the LPR must petition the U.S. Citizenship and Immigration Services for permission to do so, and then must wait for a visa to become available from the United States State Department. There is a significant waiting period for visas for spouses and children of lawful permanent residents—currently, for most countries, it is approximately five years. For certain countries, the wait is even longer. The exact waiting times are updated monthly in the State Department's "Visa Bulletin" at www.travel.state.gov.

Useful Websites

- U.S. Citizenship and Immigration Services: <http://uscis.gov>
- United States Department of State: <http://travel.state.gov>
- United States Embassy, Seoul Korea: <http://seoul.usembassy.gov/>

Steps:

Step 1: Petition for Alien Relative, I-130

1. The Lawful Permanent Resident (LPR) will be the sponsor for his/her foreign-born spouse, and files the petition.
2. The LPR may sponsor the following immediate relatives:
 - a. Husband or wife;
 - b. Unmarried son or daughter of any age.
3. The petition is filed with the USCIS on Form I-130; the fee is \$190 (current as of Oct 2005).
4. The sponsor must show that he/she can financially support the spouse at 125% of the federal poverty line. (For military member sponsors, they must show only 100%.) Form I-864, Affidavit of Support, is used.
5. The sponsor must provide proof of his/her relationship with the alien spouse.

Step 2: Obtain Immigrant Visa from U.S. State Department

1. The U.S. State Department—and not the USCIS—controls the issuance of Visas.
2. There is often a significant waiting period for both approval of the I-130 (by USCIS) and for issuance of the immigrant visa (by the U.S. State Department). Unless the foreign-citizen spouse is eligible for the nonimmigrant “V” visa (see paragraph d below), (s)he must wait overseas for the entire time period until the immigrant visa is issued by the State Department.
3. The fee for the immigrant visa itself is \$260, plus \$65 for issuance, from the State Department.
4. The Visa is issued at an American Embassy or Consulate abroad.

The “V” Visa—an alternative to Visa Processing Abroad

1. The “V” visa is a nonimmigrant visa. A nonimmigrant is a foreign national seeking to temporarily enter the United States. The “V” visa is a category of nonimmigrant visa created by the LIFE Act, which was enacted on December 21, 2000. The LPR spouse must petition for the non-LPR spouse, using form I-130 (see paragraph b above).
2. The “V” visa was created because there is often a significant waiting period for both approval of the I-130 (by USCIS) and for issuance of the immigrant visa (by the US State Department). Before the “V” visa existed, the spouse of an LPR was required to wait overseas for the entire time period until the immigrant visa was issued by the State Department.
3. The “V” visa may be requested for the following spouses of LPRs:
 - a. If the I-130 visa petition was filed before 2000 and has been pending with the USCIS for 3+ years;
 - b. If the I-130 was approved before 2000, but the spouse has been waiting for his/her immigrant visa for 3+ years.
4. The LPR spouse must be able to show (by receipt from USCIS) that (s)he has filed the I-130 and that more than 3 years has passed since that time. For more specific filing procedures (and forms), see the USCIS website at <http://uscis.gov>

* This handout is for general informational purposes only. For specific questions concerning individual circumstances, or for questions in genera, contact the Client Legal Services Office in your area.

Yongsan Client Legal Services Office, Bldg 4106, room 229 (ACS building). Please call 738-6841/8111 for an appointment. Office hours: M, Tu, W, F 0900-1600 and Th 1300-1500.